

## SCHEDULE 10

Regulation 46(2)

### CAPITAL TO BE DISREGARDED

1. The dwelling occupied as the home but, notwithstanding regulation 23 (calculation of income and capital of members of claimant's family and of a polygamous marriage), only one dwelling shall be disregarded under this paragraph.

#### Commencement Information

**I1** Sch. 10 para. 1 in force at 11.4.1988, see reg. 1

2. Any premises acquired for occupation by the claimant which he intends to occupy [<sup>F1</sup>as his home] within 26 weeks of the date of acquisition or such longer period as is reasonable in the circumstances to enable the claimant to obtain possession and commence occupation of the premises.

#### Textual Amendments

**F1** Words in Sch. 10 para. 2 inserted (12.9.1988) by [The Income Support \(General\) Amendment No. 4 Regulations 1988 \(S.I. 1988/1445\)](#), regs. 1(1)(b), **26(a)**

#### Commencement Information

**I2** Sch. 10 para. 2 in force at 11.4.1988, see reg. 1

3. Any sum directly attributable to the proceeds of sale of any premises formerly occupied by the claimant as his home which is to be used for the purchase of other premises intended for such occupation within 26 weeks of the date of sale or such longer period as is reasonable in the circumstances to enable the claimant to complete the purchase.

#### Commencement Information

**I3** Sch. 10 para. 3 in force at 11.4.1988, see reg. 1

4. Any premises occupied in whole or in part by—

- (a) a partner or relative of any member of the family [<sup>F2</sup>as his home] where that person is aged 60 or over or is incapacitated;
- (b) the former partner of a claimant <sup>F3</sup>... as his home; but this provision shall not apply where the former partner is a person from whom the claimant is estranged or divorced.

#### Textual Amendments

**F2** Words in Sch. 10 para. 4(a) inserted (12.9.1988) by [The Income Support \(General\) Amendment No. 4 Regulations 1988 \(S.I. 1988/1445\)](#), regs. 1(1)(b), **26(b)**

**F3** Words in Sch. 10 para. 4(b) omitted (30.5.1988) by virtue of [The Income Support \(General\) Amendment No. 2 Regulations 1988 \(S.I. 1988/910\)](#), regs. 1(1), **3(a)**

#### Commencement Information

**I4** Sch. 10 para. 4 in force at 11.4.1988, see reg. 1

5. Any reversionary interest.

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**Commencement Information**

**I5** Sch. 10 para. 5 in force at 11.4.1988, see reg. 1

6. The assets of any business owned in whole or in part by the claimant and for the purposes of which he is engaged as a self-employed earner or, if he has ceased to be so engaged, for such period as may be reasonable in the circumstances to allow for disposal of any such asset.

**Commencement Information**

**I6** Sch. 10 para. 6 in force at 11.4.1988, see reg. 1

7. Any arrears of, or any concessionary payment made to compensate for arrears due to the non-payment of—

- (a) any payment specified in paragraph 6, 8 or 9 of Schedule 9 (other income to be disregarded);
- (b) an income-related benefit or supplementary benefit, family income supplement under the Family Income Supplements Act 1970 <sup>F4</sup> or housing benefit under Part II of the Social Security and Housing Benefits Act 1982;

but only for a period of 52 weeks from the date of the receipt of the arrears or of the concessionary payment.

**Textual Amendments**

**F4** 1970 c. 55.

**Commencement Information**

**I7** Sch. 10 para. 7 in force at 11.4.1988, see reg. 1

8. Any sum—

- (a) paid to the claimant in consequence of damage to, or loss of the home or any personal possession and intended for its repair or replacement; or
- (b) acquired by the claimant (whether as a loan or otherwise) on the express condition that it is to be used for effecting essential repairs or improvements to the home, and which is to be used for the intended purpose, for a period of 26 weeks from the date on which it was so paid or acquired or such longer period as is reasonable in the circumstances to enable the claimant to effect the repairs, replacement or improvements.

**Commencement Information**

**I8** Sch. 10 para. 8 in force at 11.4.1988, see reg. 1

9. Any sum—

- (a) deposited with a housing association as defined in section 1(1) of the Housing Associations Act 1985 <sup>F5</sup> or section 338(1) of the Housing (Scotland) Act 1987 <sup>F6</sup> as a condition of occupying the home;

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- (b) which was so deposited and which is to be used for the purchase of another home, for the period of 26 weeks or such longer period as is reasonable in the circumstances to complete the purchase.

**Textual Amendments**

**F5** 1985 c. 69.

**F6** 1987 c. 26.

**Commencement Information**

**I9** Sch. 10 para. 9 in force at 11.4.1988, see reg. 1

**10.** Any personal possessions except those which had or have been acquired by the claimant with the intention of reducing his capital in order to secure entitlement to supplementary benefit or income support or to increase the amount of that benefit.

**Commencement Information**

**I10** Sch. 10 para. 10 in force at 11.4.1988, see reg. 1

**11.** The value of the right to receive any income under an annuity and the surrender value (if any) of such an annuity.

**Commencement Information**

**I11** Sch. 10 para. 11 in force at 11.4.1988, see reg. 1

**12.—(1)** Where the funds of a trust are derived from a payment made in consequence of any personal injury to the claimant the value of the trust fund and the value of the right to receive any payment under that trust, for a period of two years or such longer period as is reasonable in the circumstances beginning—

- (a) if, at the date of the payment the claimant or his partner is in receipt of an income-related benefit, on that date;
- (b) in any other case, on the date on which an income-related benefit is first payable to the claimant or his partner after the date of that payment,

but, for the purposes of regulation 17, 18, 21, 44(5) and 71 and [F7Schedule 4] (applicable amounts and modifications in respect of children and young persons) in calculating the capital of a child or young person there shall be no limit as to the period of disregard under this paragraph.

(2) For the purposes of sub-paragraph (1) any reference to an income-related benefit shall be construed as if it included a reference to supplementary benefit.

**Textual Amendments**

**F7** Words in Sch. 10 para. 12 substituted (with effect in accordance with reg. 1(1)(c) of the amending S.I.) by [The Income Support \(General\) Amendment Regulations 1989 \(S.I. 1989/534\)](#), reg. 1(1), [Sch. 1 para. 16](#)

**Commencement Information**

**I12** Sch. 10 para. 12 in force at 11.4.1988, see reg. 1

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13. The value of the right to receive any income under a life interest or from a liferent.

**Commencement Information**

**I13** Sch. 10 para. 13 in force at 11.4.1988, see reg. 1

14. The value of the right to receive any income which is disregarded under paragraph 11 of Schedule 8 or paragraph 23 of Schedule 9 (earnings or other income to be disregarded).

**Commencement Information**

**I14** Sch. 10 para. 14 in force at 11.4.1988, see reg. 1

15. The surrender value of any policy of life insurance.

**Commencement Information**

**I15** Sch. 10 para. 15 in force at 11.4.1988, see reg. 1

16. Where any payment of capital falls to be made by instalments, the value of the right to receive any outstanding instalments.

**Commencement Information**

**I16** Sch. 10 para. 16 in force at 11.4.1988, see reg. 1

17. Except in the case of a person to whom section 23 of the Act (trade disputes) applies [<sup>F8</sup> or in respect of whom section 20(3) of the Act (conditions of entitlement to income support) has effect as modified by section 23A(b) of the Act (effect of return to work)], [<sup>F9</sup> any payment made by a local authority under section 1, 27 or 29 of the Child Care Act 1980 or, as the case may be, section 12, 24 or 26 of the Social Work (Scotland) Act 1968 (local authorities' duty to promote welfare of children and powers to grant financial assistance to persons in, or formerly in, their care).]

**Textual Amendments**

**F8** Words in Sch. 10 para. 17 substituted (11.4.1988) by [The Income Support \(General\) Amendment Regulations 1988 \(S.I. 1988/663\)](#), regs. 1(1), **36(a)**

**F9** Words in Sch. 10 para. 17 substituted (10.7.1989) by [The Family Credit and Income Support \(General\) Amendment Regulations 1989 \(S.I. 1989/1034\)](#), regs. 1(1)(a), **12**

**Commencement Information**

**I17** Sch. 10 para. 17 in force at 11.4.1988, see [reg. 1](#)

18. Any social fund payment.

**Commencement Information**

**I18** Sch. 10 para. 18 in force at 11.4.1988, see reg. 1

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**19.** Any refund of tax which falls to be deducted under section 26 of the Finance Act 1982 <sup>F10</sup> (deductions of tax from certain loan interest) on a payment of relevant loan interest for the purpose of acquiring an interest in the home or carrying out repairs or improvements in the home.

**Textual Amendments**

**F10** 1982 c. 39.

**Commencement Information**

**I19** Sch. 10 para. 19 in force at 11.4.1988, see reg. 1

**20.** Any capital which under [<sup>F11</sup>regulation 41, 44(1) or 66A (capital treated as income, modifications in respect of children and young persons or treatment of student loans)] is to be treated as income.

**Textual Amendments**

**F11** Words in Sch. 10 para. 20 substituted (1.9.1990) by The Social Security Benefits (Student Loans and Miscellaneous Amendments) Regulations 1990 (S.I. 1990/1549), regs. 1(1)(a), **5(9)** (with reg. 7(1))

**Commencement Information**

**I20** Sch. 10 para. 20 in force at 11.4.1988, see reg. 1

**21.** Where a payment of capital is made in a currency other than sterling, any banking charge or commission payable in converting that payment into sterling.

**Commencement Information**

**I21** Sch. 10 para. 21 in force at 11.4.1988, see reg. 1

[<sup>F12</sup>**22.** Any payment made under the Macfarlane Trust<sup>F13</sup>, the Macfarlane (Special Payments) Trust][<sup>F14</sup>or the Independent Living Fund] and any sum derived from such a payment.]

**Textual Amendments**

**F12** Sch. 10 paras. 22-24 added (11.4.1988) by The Income Support (General) Amendment Regulations 1988 (S.I. 1988/663), regs. 1(1), **36(b)**

**F13** Words in Sch. 10 para. 22 inserted (31.1.1990) by The Income-related Benefits Schemes Amendment Regulations 1990 (S.I. 1990/127), regs. 1(1), **3(3)(f)**

**F14** Words in Sch. 10 para. 22 inserted (9.6.1988) by The Family Credit and Income Support (General) Amendment Regulations 1988 (S.I. 1988/999), regs. 1(1), **5(e)**

[<sup>F12</sup>**23.** The value of the right to receive an occupational pension.]

**Textual Amendments**

**F12** Sch. 10 paras. 22-24 added (11.4.1988) by The Income Support (General) Amendment Regulations 1988 (S.I. 1988/663), regs. 1(1), **36(b)**

[<sup>F12</sup>**24.** The value of the right to receive any rent.]

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**Textual Amendments**

**F12** Sch. 10 paras. 22-24 added (11.4.1988) by [The Income Support \(General\) Amendment Regulations 1988 \(S.I. 1988/663\)](#), regs. 1(1), **36(b)**

[<sup>F15</sup>**25.** Where a claimant has ceased to occupy what was formerly the dwelling occupied as the home following his estrangement or divorce from his former partner, that dwelling for a period of 26 weeks from the date on which he ceased to occupy that dwelling.]

**Textual Amendments**

**F15** Sch. 10 paras. 25-28 added (30.5.1988) by [The Income Support \(General\) Amendment No. 2 Regulations 1988 \(S.I. 1988/910\)](#), regs. 1(1), **3(b)**

[<sup>F15</sup>**26.** Any premises where the claimant is taking reasonable steps to dispose of those premises, for a period of 26 weeks from the date on which he first took such steps, or such longer period as is reasonable in the circumstances to enable him to dispose of those premises.]

**Textual Amendments**

**F15** Sch. 10 paras. 25-28 added (30.5.1988) by [The Income Support \(General\) Amendment No. 2 Regulations 1988 \(S.I. 1988/910\)](#), regs. 1(1), **3(b)**

[<sup>F16</sup>**27.** Any premises which the claimant intends to occupy as his home, and in respect of which he is taking steps to obtain possession and has sought legal advice or has commenced legal proceedings, with a view to obtaining possession, for a period of 26 weeks from the date on which he first sought such advice or first commenced such proceedings whichever is earlier, or such longer period as is reasonable in the circumstances to enable him to obtain possession and commence occupation of those premises.]

**Textual Amendments**

**F16** Sch. 10 para. 27 substituted (12.12.1988) by [The Income Support \(General\) Amendment No. 5 Regulations 1988 \(S.I. 1988/2022\)](#), regs. 1(1)(a), **23(a)**

[<sup>F15</sup>**28.** Any premises which the claimant intends to occupy as his home to which essential repairs or alterations are required in order to render them fit for such occupation, for a period of 26 weeks from the date on which the claimant first takes steps to effect those repairs or alterations, or such longer period as is reasonable in the circumstances to enable those repairs or alterations to be carried out and the claimant to commence occupation of the premises.]

**Textual Amendments**

**F15** Sch. 10 paras. 25-28 added (30.5.1988) by [The Income Support \(General\) Amendment No. 2 Regulations 1988 \(S.I. 1988/910\)](#), regs. 1(1), **3(b)**

[<sup>F17</sup>**29.** Any payment in kind made by a charity [<sup>F18</sup>or under the Macfarlane (Special Payments) Trust].]

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**Textual Amendments**

- F17** Sch. 10 paras. 29-31 added (12.9.1988) by [The Income Support \(General\) Amendment No. 4 Regulations 1988 \(S.I. 1988/1445\)](#), regs. 1(1)(b), **26(c)**
- F18** Words in Sch. 10 para. 29 added (31.1.1990) by [The Income-related Benefits Schemes Amendment Regulations 1990 \(S.I. 1990/127\)](#), regs. 1(1), **3(4)**

[<sup>F17</sup>**30.** Any payment not exceeding £200 made under section 2 of the Employment and Training Act 1973 (functions of the Secretary of State) as a training bonus to a person participating in arrangements for training made under that section.]

**Textual Amendments**

- F17** Sch. 10 paras. 29-31 added (12.9.1988) by [The Income Support \(General\) Amendment No. 4 Regulations 1988 \(S.I. 1988/1445\)](#), regs. 1(1)(b), **26(c)**

[<sup>F17</sup>**31.** Any payment made by the Secretary of State to compensate for the loss (in whole or in part) of entitlement to housing benefit.]

**Textual Amendments**

- F17** Sch. 10 paras. 29-31 added (12.9.1988) by [The Income Support \(General\) Amendment No. 4 Regulations 1988 \(S.I. 1988/1445\)](#), regs. 1(1)(b), **26(c)**

[<sup>F19</sup>**32.** Any payment made by the Secretary of State to compensate a person who was entitled to supplementary benefit in respect of a period ending immediately before 11th April 1988 but who did not become entitled to income support in respect of a period beginning with that day.]

**Textual Amendments**

- F19** Sch. 10 paras. 32-35 added (12.12.1988) by [The Income Support \(General\) Amendment No. 5 Regulations 1988 \(S.I. 1988/2022\)](#), regs. 1(1)(a), **23(b)**

[<sup>F19</sup>**33.** Any payment made by the Secretary of State to compensate for the loss of housing benefit supplement under regulation 19 of the Supplementary Benefit (Requirements) Regulations 1983.]

**Textual Amendments**

- F19** Sch. 10 paras. 32-35 added (12.12.1988) by [The Income Support \(General\) Amendment No. 5 Regulations 1988 \(S.I. 1988/2022\)](#), regs. 1(1)(a), **23(b)**

[<sup>F19</sup>**34.** Any payment made to a juror or a witness in respect of attendance at a court other than compensation for loss of earnings or for the loss of a benefit payable under the benefit Acts.]

**Textual Amendments**

- F19** Sch. 10 paras. 32-35 added (12.12.1988) by [The Income Support \(General\) Amendment No. 5 Regulations 1988 \(S.I. 1988/2022\)](#), regs. 1(1)(a), **23(b)**

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[<sup>F19</sup>35. Any housing benefit in the form of a community charge rebate.]

**Textual Amendments**

**F19** Sch. 10 paras. 32-35 added (12.12.1988) by [The Income Support \(General\) Amendment No. 5 Regulations 1988 \(S.I. 1988/2022\)](#), regs. 1(1)(a), **23(b)**

[<sup>F20</sup>36. Any payment in consequence of a reduction of a personal community charge pursuant to regulations under section 13A of the Local Government Finance Act 1988 or section 9A of the Abolition of Domestic Rates Etc (Scotland) Act 1987 (reduction of liability for personal community charge) but only for a period of 52 weeks from the date of the receipt of the payment.]

**Textual Amendments**

**F20** Sch. 10 para. 36 added (with effect in accordance with reg. 1(2)(3) of the amending S.I.) by [The Income Support \(General\) Amendment Regulations 1990 \(S.I. 1990/547\)](#), regs. 1(1)(a), **23(a)**

[<sup>F21</sup>37. Any grant made to the claimant in accordance with a scheme made under section 129 of the Housing Act 1988 or section 66 of the Housing (Scotland) Act 1988 (schemes for payments to assist local housing authority and local authority tenants to obtain other accommodation) which is to be used—

- (a) to purchase premises intended for occupation as his home; or
- (b) to carry out repairs or alterations which are required to render premises fit for occupation as his home

for a period of 26 weeks from the date on which he received such a grant or such longer period as is reasonable in the circumstances to enable the purchase, repairs or alterations to be completed and the claimant to commence occupation of those premises as his home.]

**Textual Amendments**

**F21** Sch. 10 para. 37 added (with effect in accordance with reg. 1(2)(3) of the amending S.I.) by [The Income Support \(General\) Amendment Regulations 1990 \(S.I. 1990/547\)](#), regs. 1(1)(b), **23(b)**



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